

Court of the United States for said district a libel for the seizure and condemnation of 30 dozen packages of an article of drugs, labeled in part "Zit Complete-Stearns' * * * Stearns-Hollinshead Co. Inc., Portland, Oregon," and 120 dozen packages, labeled in part "Zit Antiseptics-Stearns' * * * Stearns-Hollinshead Co., Inc., Portland, Oregon," remaining unsold in the packages at Cincinnati, Ohio, consigned by said company, February 21, 1917, alleging that the articles had been shipped from Portland, Oreg., and transported from the State of Oregon into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that there were two preparations, bougies and capsules (antiseptics). The bougies were composed of silver nucleinate in a cacao butter base, and the contents of the capsules consisted essentially of copaiba balsam, oleoresin of cubebs, sulphurated linseed oil, and a small amount of plant extractives.

Misbranding of the articles was alleged in substance in the libel for the reason that certain statements contained in the circular, booklet, carton, and label, regarding the curative or therapeutic effect of the drug, to wit, (Zit Complete-Stearns') "* * * for gonorrheal patients to cure yourself. To prevent sexual diseases spreading * * * for gonorrhea * * * chronic prostatitis * * * to avoid stricture * * * to prevent * * * seminal vesiculitis * * *," (Zit Bougies) "* * * destroy the germ of gonorrhea," (Zit Antiseptics-Stearns') "* * * acts on all germ life that may be lodged in the bladder * * *," were false and fraudulent in that said drug contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed, and in that said product was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the aforesaid statements.

On March 22, 1920, the Stearns-Hollinshead Co., a corporation, Portland, Oreg., claimant, having admitted the facts set forth in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8622. Misbranding of Dr. Sanger's Capsules. U. S. * * * v. 8½ Dozen Cartons of Dr. Sanger's Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10829. I. S. No. 15872-r. S. No. E-1637.)

On July 14, 1919, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8½ dozen cartons of Dr. Sanger's Capsules, remaining unsold in the original packages at Lynchburg, Va., alleging that the article had been shipped by Edward J. Moore Sons, New York, N. Y., on or about October 26, 1917, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (carton) "Dr. Sanger's Capsules For Diseases of the Urinary Organs and Bladder," (circular) "* * * Gonorrhoea, Gleet, Bladder Irritations, Retention of the Urine and Leucorrhœa or Whites. * * * destroy the germs deeply imbedded in the mucous membrane of the urethra * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the contents of the capsules consisted of copaiba balsam, cubebs, santal oil, matico, licorice, and magnesia.

It was alleged in substance in the libel that the article was misbranded in violation of paragraph 3, section 8 of the Food and Drugs Act, as amended, in that the carton and circular bore and contained statements, regarding the curative and therapeutic effects thereof, which were false and fraudulent.

On January 12, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8623. Misbranding of Bouchard Pills. U. S. * * * v. 6 Dozen Cartons of Bouchard Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11092. I. S. No. 2936-r. S. No. W-461.)

On August 15, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen cartons of Bouchard Pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by Samuel G. McCotter Co., New York, N. Y., February 18, 1919, and in part by Martin Rudy, Lancaster, Pa., February 27, 1918, and transported from the States of New York and Pennsylvania into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of two preparations, pills containing ferrous sulphate, resin, and a small amount of oil of cubebs, and injection tablets composed essentially of zinc sulphate and potassium permanganate.

Misbranding was alleged in substance in the libel for the reason that the article was labeled in part as follows (wrapper and carton) "Bouchard Pills for the relief of Gonorrhoea, Gleet and Diseases of the Urinary Organs * * * Frequently gives relief in primary cases in one to three days * * * The United Medical Company, Lancaster, Pa.," (booklet) "* * * discharges from the genito-urinary passages. * * *," (leaflet) "Bouchard's Injection Tablets * * * Inject * * * three or four times a day * * * and continue taking the Bouchard Pills * * * until all signs of the discharge have disappeared," which statements were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On November 12, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8624. Misbranding of Staf-O-Life and Coshemo Horse and Mule Feed. U. S. * * * v. John E. Koerner and George L. Wagner (John E. Koerner & Co.). Plea of guilty. Fine, \$10. (F. & D. No. 11126. I. S. Nos. 16313-r, 16338-r.)

On March 13, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John E. Koerner and George L. Wagner, trading as John E. Koerner & Co., New Orleans, La., alleging shipment by said defendants, in violation of the